

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36 are pending in the present application. Claims 1, 3, 6, 11-13, 16, 19 and 22 have been amended; and Claims 31-36 have been added without the introduction of any new matter.

In the outstanding Office Action, Claims 1-21 were rejected under 35 U.S.C. § 102(e) as anticipated by Hada et al. (U.S. Publication No. US 2001/0015815 A1, herein "Hada"); and claims 22-30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hada in view of Odagiri et al. (U.S. Publication No. US 2002/0047848 A1, herein "Odagiri").

Claims 1-21 were rejected under 35 U.S.C. § 102(e) as anticipated by Hada. This rejection is respectfully traversed.

Amended independent Claim 1 is directed to an apparatus for processing one or more documents that includes a color scanner, a memory, and a processor coupled to the color scanner and the memory. The color scanner is configured to create an image of each document. The memory is configured to store one or more document processing instructions associated with the presence or absence of one or more color swatches within the image. The processor is configured to control the color scanner, to determine whether one or more color swatches are present or absent in the image and to execute the document processing instructions associated with the presence or absence of the one or more color swatches. One or more of the document processing instructions are used for document identification.

Similarly, amended independent Claims 11 and 22 also include one or more document processing instructions that are used for document identification.

In a non-limiting example, Figures 1 and 2 illustrate that a color scanner 106 is configured to scan a document 108 and create an image of each document at block 206 (see also page 11, lines 10-11). Document processing instructions are then determined based on the presence or absence of color swatches in the document image at blocks 208 and 210 (see also page 11, lines 12-16). The appropriate document processing instructions are then executed in block 214 (see also page 11, lines 16-17). One or more of the document processing instructions are used for document identification (see also page 6, lines 13-14). For instance, one or more of the document processing instructions may be used to indicate a lead page of each document (see also page 10, lines 12-15).

Hada does not teach or suggest one or more document processing instructions that are used for document identification and that are associated with the presence or absence of one or more color swatches within an image. Instead, Hada is generally directed towards an apparatus for color correction of a copied image (see Abstract). Hada discloses that a standard pattern is formed outside an image forming area 601 generally on first generational copies of an image (see Figure 6; paragraph 110, lines 13-22). The standard pattern is copied in subsequent copies to determine the amount of color degradation as compared to an original standard pattern as printed on the first generational copy (paragraph 110, lines 22-29). In fact, Hada does not even mention document identification.

Accordingly, it is respectfully requested this rejection be withdrawn.

Additionally, dependent Claims 2, 7, 10, 12, 17, 21, 23 and 28 of the present invention further define over the applied art for additional reasons now discussed. Dependent Claims 2, 12 and 23 recite that the one or more color swatches are removed from the image (see also page 4, lines 1-3). Conversely, Hada discloses that “the standard pattern in the first generation copy is copied as a part of the image” (paragraph 110, columns 20-26). The standard pattern is copied to determine the amount of color degradation as compared to an original standard pattern (paragraph 110, columns 26-29). Dependent Claims 7, 17 and 28 recite that the document processing instructions indicate how the documents are sorted. Hada does not teach or suggest sorting documents based on the document processing instructions associated with the presence or absence of the one or more color swatches. In fact, Hada does not even mention sorting. Applicants respectfully submit that the sorting of documents is fundamentally different than the application of color correction as taught by Hada. Dependent Claims 10 and 21 recite that the color swatch is applied manually. Hada does not teach or suggest or even mention the manual application of a standard pattern. In fact, the manual application of a standard pattern would completely defeat the purpose for the standard pattern; to determine the amount of color degradation as compared to an original standard pattern (paragraph 110, columns 26-29). Accordingly, the above-noted dependent claims even further distinguish over the applied art.

Claims 22-30 were rejected under 35 U.S.C. § 102(e) as unpatentable over Hada in view of Odagiri. This rejection is also respectfully traversed.

Odagiri also does not teach or suggest one or more document processing instructions that are used for document identification and that are associated with the presence or absence of one or more color swatches within an image. Instead, Odagiri is generally directed towards a method and apparatus for checking the correctness of color signal values (see Abstract).

As stated in M.P.E.P. §2143, a basic requirement for a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. As the cited references do not teach or suggest the feature of one or more document processing instructions that are used for document identification and that are associated with the presence or absence of one or more color swatches within an image, it is respectfully submitted the outstanding Office Action has not created a *prima facie* case of obviousness with regard to independent Claim 22, and the claims dependent therefrom.

Accordingly, it is respectfully requested this rejection also be withdrawn.

Applicants submit that new Claims 31-33 are allowable because the applied art does not teach or suggest one or more document processing instructions that are used to indicate a lead page of each document (see page 10, lines 12-15). Applicants further submit that new Claims 34-36 are allowable because the applied art does not teach or suggest one or more color swatches that exist within the interior portion of an image (see page 7, lines 6-8). For instance, Hada discloses that a standard pattern is formed outside an image forming area 601 of an image (see Figure 6; paragraph 110, lines 13-20).

Additionally, Applicants submit that the amendments to Claims 3, 6, 12, 13, 16 and 19 are not believed to narrow those claims in scope in any aspect compared to original Claims 3, 6, 12, 13, 16 and 19.

### CONCLUSION

In light of the arguments set forth above, Applicants respectfully submit that the Application is now in allowable form. Accordingly, Applicants respectfully request consideration and allowance of the currently pending claims.

It is believed that no additional fees are due at this time. If this is incorrect, Applicants hereby authorize the Commissioner to charge any fees, other than issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicants' Attorney for any reason that would advance the current application to issue. Please reference Attorney Docket No. 120051-1006.

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Respectfully submitted,

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